
31. (Amended) The apparatus recited in claim 1, including a mounting pad for an external positive and negative air pressure pump for a pipette gun, said mounting pad comprising;

- a) a rectangular base layer of vibration-absorbent material, said base layer having a top side and a bottom side;
 - b) means on the bottom side of said base layer for fastening said pad to either a horizontal or vertical surface;
 - c) means on the top side of said base layer for removably fastening the pump to said pad.
-

REMARKS

Claims 1-43 are pending in the application. Claims 35-42 are allowed.

Claims 1-14, 22, 28-30 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenney, U.S. Patent No. 5,090,255, in view of Goodale et al., U.S. Patent No. 5,356,525, or Bale et al., U.S. Patent No. 5,704,495. Claims 18-21 are rejected under 35 U.S.C. § 103(a) as being under patentable over Kenney in view of Goodale et al. or Bale et al., as applied to claim 1, and further in view of Nycum, U.S. Patent 4,066,234. Claims 31-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenney in view of Nycum. In support of the section 103

rejections, the Official Action states that it would have been obvious to one of ordinary skill in the art to have included the dispensing means of Kenney and the pipette holster as taught by Goodale et al. or Bale et al., in order to insure that the pipette tube does not touch anything and will remain sterile while remaining securely restrained within the mounting bracket. Applicant respectfully traverses this assertion.

Independent claims 1, 22 and 29 have been amended to more particularly recite the cooperative engagement between the pipette gun and gun holster. Claims 1, 22 and 29, as amended, recite "said socket removably holding said gun with said pipette connector oriented downwardly by passing the pipette through said prongs and inserting said pipette connector into said socket through the top so that said *pipette connector* engages said socket." The above-emphasized limitations are not taught, disclosed or suggested by the cited references. *Support?*

Bale discloses a C-shaped, restraining device for releasably restraining containers. It would not have been obvious to combine Kenney and Bale et al. since the upper shelf 10 of Bale's device impedes parking of the pipette gun in the device due to interference between the barrel of the gun and the upper shelf 10. Further, even applicant's pipette gun could be parked in Bale's device, the force necessary to deflect the upper shelf 10 to repetitively insert and remove the gun from the device

Applicant: James W. Kenney
Application No.: 09/321,633

2 adds great stress on the technician. Therefore, Bale teaches away from applicant's claimed invention.

Likewise, Goodale teaches a way from "inserting said pipette connector into said socket through the top so that said pipette connector engages said socket" as recited in claims 1, 22 and 29. In contrast with the claimed invention, Goodale teaches insertion of the *barrel portion 566* of the pipette probe 112 into the opening 576, not the *pipette connector* as recited in claims 1, 22 and 29. Further, the barrel portion 566 of the pipette probe 112 can not be "inserted into the socket through the top" as recited in claims 1, 22 and 29 since the pipette probe flange 562 extends laterally far greater than the diameter of the opening 576. Therefore, claims 1, 22 and 29 are not obvious in view of Kenney, Goodale or Bale.

Goodale not relied upon
as the teaching of
pipette connector
it is inserted
through the
top of
the socket

Claims 2-14 are dependent on claim 1 and are believed to be patentable for at least the same reasons as discussed above with respect to claim 1.

Claims 15-17 are objected to as being dependent upon a rejected base claim (claim 1), but are indicated to be allowable if rewritten in independent form. In response, claim 15 has been amended to include the limitations recited in claim 1. Claims 15-17 are therefore believed to be in condition for allowance.

Claims 18-22 are dependent on claim 1 and are believed to be patentable for at least the same reasons as discussed above with respect to claim 1.

Claims 23-27 are objected to as being dependent upon a rejected base claim (claim 22), but are indicated to be allowable if rewritten in independent form. In response, claim 23 has been amended to incorporate the limitations recited in claim 22. Claims 23-27 are therefore believed to be in condition for allowance.

Claim 28 is dependent on claim 22 and is believed to be patentable for at least the same reasons as discussed above with respect to claim 22.

Claim 30 recites, "automatically inactivating said external air pressure source when said pipette gun is parked in said holster and automatically activating said externally air source when said pipette gun is removed from said holster."

None of the cited references teaches, discloses or suggests the above-cited limitations. As recognized by allowance of claims 15-17, 23-27 and 35-42, none of the references teaches, discloses or suggests any structure that performs the above-cited. While Kenney may disclose a simple on/off switch for the remote air source, the switch does not automatically inactivate and activate the remote air pressure source when the pipette gun is inserted and removed from the holster. Therefore, claim 30 is not obvious in view of the cited references.

Claim 31 has been amended and is now dependent on claim 1. Claims 32-24 are dependent on claim 31. Claims 31-34 are therefore believed to be patentable for at least the same reasons as discussed above with respect to claim 1.

Applicant: James W. Kenney
Application No.: 09/321,633

Claims 35-42 are allowed.


Claim 43 recites, "automatically inactivating said external air pressure source when said pipette gun is parked in said holster and automatically activating said externally air source when said pipette gun is removed from said holster."

Claim 43 is believed to be patentable for at least the same reasons as discussed above with respect to claim 30.

In view of the above-amendments and remarks, applicant believes that the claims define a new, useful and nonobvious invention. Accordingly, an early Notice of Allowance is earnestly solicited.

Respectfully submitted,

James W. Kenney

By 
Joseph M. Konieczny, Sr.
Registration No. 35,806
(215) 568-6400

Volpe and Koenig, P.C.
Suite 400, One Penn Center
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

JMK/cfj
Enclosures

Application No.: 09/321,633
Examiner: Bex, Patricia K.

**37 CFR §1.121(b)(1)(iii) and (c)(1)(ii) SPECIFICATION
AND CLAIM AMENDMENTS- MARKED UP VERSION**

1. (Amended thrice) A pipette gun and holster apparatus having a remote source of positive and negative air pressure, said apparatus comprising:
- a) a pipette gun having an external, flexible conduit connecting said gun to said remote air pressure source, said gun including:
 - i) a housing having a hand grip portion and a barrel portion oriented transverse to said hand grip portion;
 - ii) a pipette connector fixed to and oriented transverse to said barrel portion;
 - iii) an internal conduit connected to said external flexible conduit and said pipette connector;
 - iv) a valve intermediate said internal conduit which selectively regulates the flow of either positive air pressure or negative air pressure through said internal conduit to said pipette connector;
 - v) a positive air flow trigger and a negative air flow trigger connected to said valve;
 - b) a gun holster which supports said gun above a work table with said

pipette connector oriented downwardly, said holster including:

- i) a base;
- ii) means for fastening said base to a vertical wall;
- iii) a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs,

said socket removably holding said gun with said pipette connector oriented downwardly by passing the pipette through said prongs and inserting said pipette connector into said socket through the top so that said pipette connector engages said socket.

15. (Amended thrice) A pipette gun and holster apparatus having a remote source of positive and negative air pressure, said apparatus comprising:

a) a pipette gun having an external, flexible conduit connecting said gun to said remote air pressure source, said gun including:

- i) a housing having a hand grip portion and a barrel portion oriented transverse to said hand grip portion;

- ii) a pipette connector fixed to and oriented transverse to said barrel portion;
- iii) an internal conduit connected to said external flexible conduit and said pipette connector;
- iv) a valve intermediate said internal conduit which selectively regulates the flow of either positive air pressure or negative air pressure through said internal conduit to said pipette connector;
- v) a positive air flow trigger and a negative air flow trigger connected to said valve;
- b) a gun holster which supports said gun above a work table with said pipette connector oriented downwardly, said holster including:
 - i) a base;
 - ii) means for fastening said base to a vertical wall;
 - iii) a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs,said socket removably holding said gun with said pipette connector oriented

downwardly by passing the pipette through said prongs and inserting said pipette connector into said socket through the top,

[The apparatus recited in claim 1,] including a first switch proximate said socket, said switch regulating said remote air source.

22. (Amended twice) A holster for supporting a pipette gun on a vertical surface above or proximate a table top, said pipette gun having a negative and positive air pressure source, pipette connector and a pipette attached to said connector, said holster comprising:

- a) a base;
- b) means for fastening said base to a vertical wall;
- c) a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs,

said socket removably holding the gun with the pipette connector oriented downwardly by passing the pipette through said prongs and inserting the pipette connector into said socket through the top so that said

pipette connector engages said socket.

23. (Amended thrice) A holster for supporting a pipette gun on a vertical surface above or proximate a table top, said pipette gun having a negative and positive air pressure source, pipette connector and a pipette attached to said connector, said holster comprising:

a) a base;

b) means for fastening said base to a vertical wall;

c) a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs,

said socket removably holding the gun with the pipette connector oriented downwardly by passing the pipette through said prongs and inserting the pipette connector into said socket through the top.

[The holster recited in claim 22,] including a first switch proximate said socket, said first switch deactivating said air source when the pipette gun is parked in said holster and energizing said air source when the pipette gun is removed from

said holster.

29. (Amended thrice) A method of metering fluid using a pipette gun, comprising the steps of:

a) providing a pipette gun having a remote air pressure source and holster assembly, said holster having a base, means for fastening said base to a vertical surface, a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs,

said socket removably holding said gun with said pipette connector oriented downwardly by passing the pipette through the prongs and inserting said pipette connector into said socket through the top so that said pipette connector engages said socket;

b) removably fastening said holster to a vertical surface next to or proximate a horizontal work table top;

c) parking the pipette gun in the holster above the work table with said pipette connector and pipette oriented downwardly out of contact with the table top;

d) removing said pipette gun from said holster and metering fluid with

said gun.

31. (Amended) The apparatus recited in claim 1, including a [A]
mounting pad for an external positive and negative air pressure pump for a pipette
gun, said mounting pad comprising;

a) a rectangular base layer of vibration-absorbent material, said base
layer having a top side and a bottom side;

b) means on the bottom side of said base layer for fastening said pad to
either a horizontal or vertical surface;

c) means on the top side of said base layer for removably fastening the
pump to said pad.